

INTERVIEW SUMMARY

Applicants wish to thank Examiner Sheik and Supervisory Examiner Page for the helpful and courteous discussion with Applicants' Representative on January 25, 2005. During this discussion it was noted that Tomoaki et al fail to disclose or suggest a dispersion having a **nonionic emulsifier** having an HLB of from 15.2 to 17.3. Tomoaki et al only disclose an **anionic emulsifier** such as sodium dodecyl sulphate.

In addition, Applicants' Representative pointed out that superior results are obtained with the claimed emulsifier as discussed at page 5, lines 11-22, of the specification as well as in the Examples, particularly in the Table at page 14.

In view of the above arguments, the Examiner has withdrawn the rejection of the claims as being anticipated by Tomoaki et al.

REMARKS

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

The present invention as set forth in **amended Claim 1** relates to a dispersion, comprising:

a solids content of 10-70% by weight comprising

a) from 90 to 99% by weight of a methacrylate copolymer comprising at least 90% by weight of a (meth)acrylate monomer containing at least one neutral radical and having a glass transition temperature T_g of from -20°C to +20°C as determined by the DSC method, and

b) 1-10% by weight of a **nonionic emulsifier** having an **HLB of from 15.2 to 17.3**.

New Claim 19 relates to the dispersion according to claim 1, wherein said emulsifier does not crystallize after drying said dispersion.

Tomoaki et al (JP 01-113322) fail to disclose or suggest a dispersion having a **nonionic emulsifier** having an **HLB of from 15.2 to 17.3**. Tomoaki et al only disclose an **anionic emulsifier** such as sodium dodecyl sulphate (Tomoaki et al, abstract).

Further, the specification discloses at page 5, 2nd full paragraph that the HLB value of the emulsifier has a distinct influence on the crystallization of the emulsifier. If the HLB is above the claimed range, the emulsifiers crystallize. If the HLB is below the claimed range, the emulsifiers are unable to stabilize the emulsion sufficiently.

Further, the superior results obtained with the claimed emulsifier are demonstrated in the Examples, particularly in the Table at page 14. The Table at page 14 has been amended to correct obvious typographical errors. The HLB of polyoxyethylene-20-sorbitan monostearate in Comparative Example 14 is **14.9** and the HLB of polyoxyethylene-20-

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sorbitan monooleate in Comparative Example 15 is **15.0** as shown in the attached pages of McCutcheon's, Emulsifiers & Detergents, page 182.

Comparative Examples 6, 7, 8 and 9 have HLBs that is higher than the claimed upper limit of 17.3. All four comparative examples show crystallization of the emulsifier.

Comparative Examples 14 and 15 have HLBs that are smaller than the claimed lower limit of 15.2, they are not stable and show a high amount of coagulum: >10 and 8.21%, respectively.

These superior results of the claimed emulsifier are not disclosed or suggested by Tomoaki et al.

In addition, the specification states at page 5, 1st full paragraph that the HLB of anionic emulsifiers is virtually always above or well above 20. Thus, anionic emulsifiers such as those in Tomoaki et al cannot be simply substituted of the claimed nonionic emulsifiers having an HLB of 15.2 to 17.3.

Therefore, the rejection of Claims 1, 2, 5, 6 and 8-10 under 35 U.S.C. § 102(b) as anticipated by Tomoaki et al (JP 01-113322) and the rejection of Claims 3, 4, 7, 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Tomoaki et al are believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of these rejections is respectfully requested.

Applicants respectfully request that the Examiner acknowledge that the references cited in the **Information Disclosure Statement**, filed in the above-identified application on **February 8, 2002**, have been considered. For the Examiner's convenience a copy of Form PTO 1449 as filed on February 8, 2002, is attached herewith.

This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed

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representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

Respectfully submitted,

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